

PATENT  
Docket No. 491442002000

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Date of Deposit: May 18, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail under 37 C.F.R. § 1.8 on the date indicated above and is addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Beverly S. Carter

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Weimin TCHEN et al.

Serial No.: 10/816,312

Filing Date: March 31, 2004

For: METHOD OF WRITING NON-VOLATILE MEMORY THAT AVOIDS CORRUPTING THE VITAL INITIALIZATION CODE

Examiner: Unknown

Group Art Unit: 2186

Confirmation No. 9110

**NOTIFICATION TO CORRECT ERROR IN SMALL ENTITY STATUS UNDER  
37 C.F.R. § 1.28(c)**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.28(c), Applicants hereby notify the United States Patent and Trademark Office that this application was erroneously established as a small entity.

Applicants hereby state that status as a small entity was established in good faith, and that if small entity fees were paid they were paid in good faith. However, it has been recently discovered that status as a small entity for this application was established in error when the small entity box was inadvertently checked on the Utility Patent Application Transmittal form

05/23/2005 SLUANG1 00000003 031952 10816312

01 FC:1001 790.00 DA  
02 FC:1202 900.00 DA

la-794279

that was submitted with the new application. However, the Form PTO/SB/17 (fee transmittal) and the application data sheet correctly indicated the applicants as large entity.

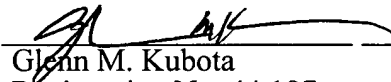
The Form PTO/SB/17 submitted with the new application indicated that large entity fees should be charged to our Deposit Account. However, if the small entity fees were paid, please charge the total deficiency in the amount of \$547.00 to **Deposit Account No. 03-1952** referencing docket no. 491442002000.

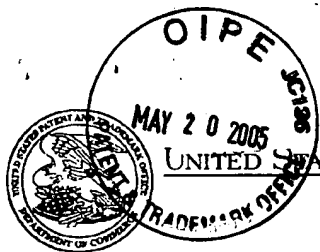
Applicants request correction of the filing receipt. Enclosed is a marked-up copy for your reference.

If the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Director to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 491442002000.

Respectfully submitted,

Dated: May 18, 2005

  
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/816,312	03/31/2004	2186	547	491442002000	2	38	3

CONFIRMATION NO. 9110

42178

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## FILING RECEIPT



\*OC000000012952297\*

Date Mailed: 06/15/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

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## Assignment For Published Patent Application

Emulex Design &amp; Manufacturing Corporation, Costa Mesa, CA;

## Domestic Priority data as claimed by applicant

## Foreign Applications

If Required, Foreign Filing License Granted: 06/12/2004

Projected Publication Date: 10/06/2005

Non-Publication Request: No

Early Publication Request: No

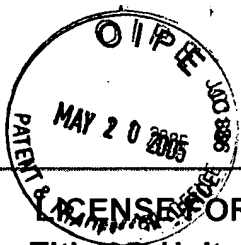
\*\* ~~SMALL~~ ENTITY \*\*

LARGE

Title

Method of writing non-volatile memory that avoids corrupting the vital initialization code

Preliminary Class  
711



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**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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